

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

MICHAEL W. SULLIVAN, DAVID A.)
SULLIVAN, THOMAS ROBINETTE,)
JEREMY PENNINGTON, CLARK)
STANTON AND JAMIE BARGER,)
)
Plaintiffs,)
)
v.) Civil Action No. 2:13CV00040
)
NINE MILE MINING, INC.,)
)
Defendant.)

**JOINT MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT,
APPROVAL OF CLASS NOTICE, AND SCHEDULING A FAIRNESS HEARING**

Michael Sullivan, David Sullivan, Thomas Robinette, Jeremy Pennington, Clark Stanton, and Jamie Barger (“Plaintiffs”) and Defendant Nine Mile Mining, Inc., by counsel, move this Court for an Order preliminarily approving the settlement agreement among the Parties, approving the Notice to the Class, and scheduling a fairness hearing for mid-March, 2015 for the final consideration and approval of the settlement agreement.

WHEREFORE, for the reasons stated in the Memorandum in Support of this Motion, the Parties move this Court to enter an Order granting preliminary approval of the settlement agreement, approving the Class Notice, and scheduling a fairness hearing for mid-March, 2015.

Respectfully submitted,

MICHAEL W. SULLIVAN, DAVID A.
SULLIVAN, THOMAS ROBINETTE,
JEREMY PENNINGTON, CLARK
STANTON AND JAMIE BARGER

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